

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Alan Doane, on January 13, 2017 at 8:00 AM, in Room 137 Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Alan Doane, Chair (R)  
Rep. Seth Berglee, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Laurie Bishop (D)  
Rep. Bob Brown (R)  
Rep. Bill Harris (R)  
Rep. Kathy Kelker (D)  
Rep. Casey Knudsen (R)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Shane A. Morigeau (D)  
Rep. Dale Mortensen (R)  
Rep. Zac Perry (D)  
Rep. Matt Regier (R)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Barry Usher (R)  
Rep. Kirk Wagoner (R)

##### **Members Excused:**

Rep. Jennifer Eck (D)  
Rep. Ellie Hill Smith (D)

**Members Absent:** None

**Staff Present:** Sara Fleming, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 46, 1/6/2017; HB 64, 1/6/2017; HB 168, 1/6/2017  
Executive Action: HB 111

**Committee Business:**

00:00:07 Chair Doane

**EXECUTIVE ACTION ON HB 111**

**Motion:** Rep. Berglee moved that **HB 111 DO PASS**.

**Discussion:**

00:02:13 Rep. McConnell

00:02:20 Helen Thigpen, Legislative Services Division (LSD)

**Vote:** Motion carried unanimously by voice vote.

**HEARING ON HB 46**

**Opening Statement by Sponsor:**

00:04:28 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 46, Generally revising funding for civil legal aid.

[\*\*EXHIBIT\(juh10a01\)\*\*](#)

**Proponents' Testimony:**

00:07:37 Sen. Swandel

00:08:47 Beth Baker, Montana Supreme Court, Access to Justice Commission

[\*\*EXHIBIT\(juh10a02\)\*\*](#)

00:16:37 Jane Amdahl, American Association of Retired Persons (AARP)

[\*\*EXHIBIT\(juh10a03\)\*\*](#)

00:18:42 Andrew Huff, Governor's Office

00:20:32 Mary Reeves, Montana Legal Services Association (MLSA)

00:25:37 Robin Turner, Montana Coalition Against Sexual and Domestic Violence (MCASDV)

00:28:31 Jon Bennion, Attorney General's Office

00:29:25 Bridger Mahlum, Montana Chamber of Commerce

00:30:35 Al Smith, Montana Trial Lawyers Association (MTLA)

00:32:32 Ed Bartlett, Access to Justice Commission, Montana State Bar

00:34:37 Brian Thompson, Montana Collectors Association

00:35:27 Nick Zupanic, Montana Justice Foundation (MJF)

[\*\*EXHIBIT\(juh10a04\)\*\*](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:36:44 Rep. Harris

00:37:28 Rep. Dudik

00:37:46 Beth Baker, Montana Supreme Court, Access to Justice Commission

00:40:06 Chair Doane

00:40:18 Rep. Dudik

00:40:39 Beth Baker, Montana Supreme Court, Access to Justice Commission

**Closing by Sponsor:**

00:41:19 Rep. Dudik

**HEARING ON HB 64**

**Opening Statement by Sponsor:**

00:44:00 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 64, Revise child abuse diversion project laws.

**Proponents' Testimony:**

00:51:10 Beth McLaughlin, Montana Supreme Court

00:53:18 Maurita Johnson, Department of Health and Human Services (DPHHS)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:54:43 Rep. Harris

00:55:45 Rep. Dudik

00:57:48 Rep. Harris

00:58:21 Rep. Dudik

00:58:54 Rep. Kelker

00:59:20 Rep. Dudik

00:59:31 Beth McLaughlin, Montana Supreme Court

01:00:33 Rep. Kelker

01:00:51 Beth McLaughlin, Montana Supreme Court

01:01:25 Rep. Manzella

01:02:02 Rep. Dudik

**Closing by Sponsor:**

01:03:40 Rep. Dudik

01:04:48 Recess

01:14:44 Reconvened

**HEARING ON HB 168**

**Opening Statement by Sponsor:**

01:14:56 Rep. Zach Brown (D), HD 63, opened the hearing on HB 168, Provide for expungement of criminal records for misdemeanors.

[EXHIBIT\(juh10a05\)](#)

[EXHIBIT\(juh10a06\)](#)

**Proponents' Testimony:**

01:19:19 Sen. Swandel

01:30:06 SK Rossi, American Civil Liberties Union (ACLU)

01:31:52 Erica Siate, Self

**Opponents' Testimony:**

01:37:21 Robin Turner, Montana Coalition Against Sexual and Domestic Violence  
(MCASDV)  
01:39:51 Jessie Luther, Montana Association of Clerks of District Court

**Informational Testimony:**

01:42:39 Butch Huseby, Department of Justice (DOJ)

**Questions from Committee Members and Responses:**

01:46:01 Rep. Morigeau  
01:46:32 Rep. Brown  
01:48:33 Rep. Wagoner  
01:49:03 Sen. Swandel  
01:49:17 Rep. Wagoner  
01:49:44 Sen. Swandel  
01:50:12 Rep. Manzella  
01:50:59 Sen. Swandel  
01:52:21 Rep. McConnell  
01:53:09 Butch Huseby, Department of Justice (DOJ)  
01:53:59 Rep. McConnell  
01:54:46 Sen. Swandel  
01:55:10 Rep. McConnell  
01:55:25 Sen. Swandel  
01:55:43 Rep. Bishop  
01:56:21 Sen. Swandel  
01:56:35 Rep. Bishop  
01:56:54 Sen. Swandel  
01:57:30 Rep. Bishop  
01:58:20 Sen. Swandel  
01:58:40 Rep. C. Knudsen  
01:59:12 Sen. Swandel  
01:59:44 Rep. C. Knudsen  
01:59:56 Sen. Swandel  
02:00:12 Chair Doane  
02:00:15 Rep. C. Knudsen  
02:00:27 Sen. Swandel  
02:00:54 Chair Doane  
02:01:02 Rep. Kelker  
02:01:37 Sen. Swandel  
02:01:59 Rep. Usher  
02:03:03 Sen. Swandel  
02:03:52 Rep. Wagoner  
02:04:36 Butch Huseby, DOJ  
02:04:56 Rep. Wagoner  
02:05:36 Butch Huseby, DOJ  
02:05:49 Jack Marks, Department of Justice, DOJ  
02:06:25 Rep. Wagoner  
02:06:43 Rep. Usher  
02:06:58 Jack Marks, DOJ

02:07:06 Rep. Wagoner  
02:07:26 Jack Marks, DOJ  
02:08:15 Rep. Wagoner  
02:08:21 Jack Marks, DOJ  
02:08:39 Rep. Harris  
02:09:55 Sen. Swandel  
02:10:48 Chair Doane  
02:11:15 Sen. Swandel  
02:12:33 Chair Doane  
02:13:09 SK Rossi, ACLU

**Closing by Sponsor:**

02:13:50 Rep. Brown

**Committee Business:**

02:17:24 Vice Chair Court  
02:17:49 Chair Doane

**ADJOURNMENT**

Adjournment: 02:18:44

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Sara Fleming, Secretary

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Additional Documents:

**EXHIBIT**([juh10aad.pdf](#))